

ATTORNEY'S DOCKET NUMBER: 2006691-0002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Brisson, *et al.* Examiner: Not yet assigned
Serial No.: 10/561,053 Art Unit: 1632
Filing Date: December 16, 2005 Conf. No: 9433
Title: PLANT TRANSCRIPTIONAL ACTIVATOR AND USES THEREOF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Certificate of Mailing

I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

May 31, 2007 /Elaine Cruz/

Date Signature

Elaine Cruz

Typed or Printed Name of person signing certificate

ASSERTION OF SMALL ENTITY STATUS UNDER 37 C.F.R. 1.27(c)(1)

Since the filing of January 17, 2007, the undersigned representative has been informed that the present application is in fact entitled to small entity status and has been so entitled since the time of filing. Accordingly please find enclosed copies of executed Small Entity Statements for the two co-assignees of this application, namely Valorisation-Recherche, Limited Partnership and University of North Carolina at Chapel Hill. Applicant apologizes for any confusion caused in the record by statements made in previous filings and respectfully requests that the entity status of this application be updated in the USPTO database as SMALL ENTITY .

The Commissioner is authorized to charge any additional fees associated with this application, to our Deposit Account No. 03-1721. Should there be any questions after reviewing this paper, the Examiner is invited to contact the undersigned at (617) 248-4793.

Respectfully Submitted,
CHOATE, HALL & STEWART LLP

Date: May 31, 2007

/Charles E. Lyon/

Charles E. Lyon, D. Phil.
Reg. No. 56,630

PATENT DEPARTMENT
CHOATE, HALL & STEWART LLP
Two International Place
Boston, Massachusetts 02110

OGILVY RENAULT

IP/SEN.CRL.srl

CONFIRMATION OF SMALL ENTITY QUALIFICATION IN THE UNITED STATES

The government fees to be paid at filing, grant and post-grant maintenance are reduced by 50% for small entities. The savings at filing and grant is about US\$1000. To qualify for this reduction in fees, no rights to use the invention described in the patent application should have been licensed, assigned or otherwise granted, by you or any other co-owner or licensee, to any "large" entity having more than 500 employees (except for nonprofit organizations as defined below). An obligation to grant any rights, even such as a "right to first refusal", to a large entity may disqualify you as a small entity. The size of the large entity will include its affiliates, as defined in the Small Business Administration rules (13 Code of Federal Regulations (CFR) Part 121).

If you are uncertain as to your qualification as a small entity, it is best to declare large entity status, since a false declaration can invalidate the US patent. The definition of a small entity is found in the US Patent Rules, 37CFR§1.9 as follows:

37CFR§1.9

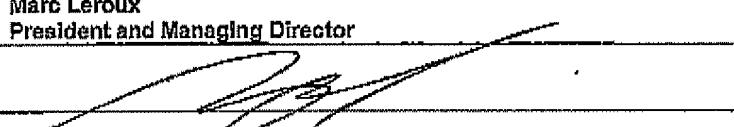
(c) An independent inventor as used in this chapter means any inventor who (1) has not assigned, granted, conveyed, or licensed, and (2) is under no obligation under contract or law to assign, grant, convey, or license, any rights in the invention to any person who could not likewise be classified as an independent inventor if that person had made the invention, or to any concern which would not qualify as a small business concern or a nonprofit organization under this section.

(d) A small business concern as used in this chapter means any business concern meeting the size standards set forth in 13 CFR Part 121 to be eligible for reduced patent fees. Questions related to size standards for a small business concern may be directed to: Small Business Administration, Size Standards Staff, 409 Third Street, SW, Washington, DC 20416.

(e) A nonprofit organization as used in this chapter means (1) a university or other institution of higher education located in any country; (2) an organization of the type described in section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)(3)) and exempt from taxation under section 501(a) of the Internal Revenue Code (26 U.S.C. 501(a)); (3) any nonprofit scientific or educational organization qualified under a nonprofit organization statute of a state of this country (35 U.S.C. 201(l)); or (4) any nonprofit organization located in a foreign country which would qualify as a nonprofit organization under paragraphs (e) (2) or (3) of this section if it were located in this country.

(f) A small entity as used in this chapter means an independent inventor, a small business concern, or a nonprofit organization eligible for reduced patent fees.

I have read the above and believe that, with respect to the invention related to Ogilvy Renault's file identified below, the patent owners qualify to pay reduced fees as a small entity. I authorize Ogilvy Renault to pay reduced fees as a small entity, and I will notify Ogilvy Renault of any change in this qualification.

OR File No.:	Title :
N° de dossier OR : <u>10662-121US CC/JI</u>	Titre : <u>"PLANT TRANSCRIPTIONAL ACTIVATOR AND USES THEREOF"</u>
Name of Patent Owner: Nom du propriétaire:	<u>Valorisation-Recherche, Limited Partnership</u>
Name and title of signing officer (if applicable): Nom et titre de l'officier autorisé (s'il y a lieu):	<u>Marc Leroux</u> <u>President and Managing Director</u>
Signature and date: Signature et date:	

CONFIRMATION DU DROIT AU STATUT DE PETITE ENTITÉ POUR LES ÉTATS-UNIS

Les taxes gouvernementales à payer lors du dépôt, de la délivrance et pour le maintien après délivrance sont réduites de 50% pour les petites entités. L'économie lors du dépôt et de la délivrance est d'environ 1000\$ US. Pour être éligible à cette réduction de la taxe, des droits d'utilisation de l'invention ne doivent pas être sous licence, cédés ou autrement attribués, par vous ou par tout autre co-propriétaire ou licencié, à une « grande » entité ayant plus de 500 employés (à l'exception des organismes à but non lucratif tel que défini plus bas). Une obligation de céder tout droit, même un « droit de premier refus », à une grande entité peut vous disqualifier en tant que petite entité. Pour calculer la grosseur d'une grande entité, on inclut les filiales, tel que défini dans les règles du « Small Business Administration » (13 Code of Federal Regulations (CFR) Part 121).

Si vous êtes incertain de vous qualifier comme petite entité, il est préférable de déclarer un statut de grande entité, puisqu'une fausse déclaration pourrait invalider le brevet américain. La définition d'une petite entité est la suivante et peut être retrouvée dans les règles américaines sur les brevets. (37 CFR§1.9)

13CFR§121.802

A concern eligible for reduced patent fees is one: (a) Whose number of employees, including affiliates, does not exceed 500 persons; and (b) Which has not assigned, granted, conveyed, or licensed (and is under no obligation to do so) any rights in the invention to any person who made it and could not be classified as an independent inventor, or to any concern which would not qualify as a non-profit organization or a small business concern under this section.

13CFR§121.1001(b)(5)

For eligibility to pay reduced patent fees, the following entities may request a formal size determination:

- (i) The applicant for the reduced patent fees; and
- (ii) The Patent and Trademark Office,

J'ai lu la présente et crois que, en relation avec l'invention dont le numéro de dossier Ogilvy Renault est indiqué plus bas, les propriétaires se qualifient pour payer la taxe réduite en tant que petite entité. J'autorise Ogilvy Renault à payer la taxe réduite pour une petite entité et nous informerons Ogilvy Renault de tout changement au niveau de ce statut.

OGILVY RENAULT

LLP / SENCRL, srl

CONFIRMATION OF SMALL ENTITY QUALIFICATION IN THE UNITED STATES

The government fees to be paid at filing, grant and post-grant maintenance are reduced by 50% for small entities. The savings at filing and grant is about US\$1000. To qualify for this reduction in fees, no rights to use the invention described in the patent application should have been licensed, assigned or otherwise granted, by you or any other co-owner or licensee, to any "large" entity having more than 500 employees (except for nonprofit organizations as defined below). An obligation to grant any rights, even such as a "right to first refusal", to a large entity may disqualify you as a small entity. The size of the large entity will include its affiliates, as defined in the Small Business Administration rules (13 Code of Federal Regulations (CFR) Part 121).

If you are uncertain as to your qualification as a small entity, it is best to declare large entity status, since a false declaration can invalidate the US patent. The definition of a small entity is found in the US Patent Rules, 37CFR§1.9 as follows:

37CFR§1.9

(c) An independent inventor as used in this chapter means any inventor who (1) has not assigned, granted, conveyed, or licensed, and (2) is under no obligation under contract or law to assign, grant, convey, or license, any rights in the invention to any person who could not likewise be classified as an independent inventor if that person had made the invention, or to any concern which would not qualify as a small business concern or a nonprofit organization under this section.

(d) A small business concern as used in this chapter means any business concern meeting the size standards set forth in 13 CFR Part 121 to be eligible for reduced patent fees. Questions related to size standards for a small business concern may be directed to: Small Business Administration, Size Standards Staff, 409 Third Street, SW, Washington, DC 20416.

(e) A nonprofit organization as used in this chapter means (1) a university or other institution of higher education located in any country; (2) an organization of the type described in section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)(3)), and exempt from taxation under section 501(a) of the Internal Revenue Code (26 U.S.C. 501(a)); (3) any nonprofit scientific or educational organization qualified under a nonprofit organization statute of a state of this country (35 U.S.C. 201(j)); or (4) any nonprofit organization located in a foreign country which would qualify as a nonprofit organization under paragraphs (e) (2) or (3) of this section if it were located in this country.

(f) A small entity as used in this chapter means an independent inventor, a small business concern, or a nonprofit organization eligible for reduced patent fees.

I have read the above and believe that, with respect to the invention related to Ogilvy Renault's file identified below, the patent owners qualify to pay reduced fees as a small entity. I authorize Ogilvy Renault to pay reduced fees as a small entity, and I will notify Ogilvy Renault of any change in this qualification.

OR File No.:	Title :
No de dossier OR : <u>10662-121US CC/jl</u>	Titre : <u>"PLANT TRANSCRIPTIONAL ACTIVATOR AND USES THEREOF"</u>
Name of Patent Owner: Nom du propriétaire:	
Name and title of signing officer (If applicable): Nom et titre de l'officier autorisé (s'il y a lieu): <u>Catherine Innes, Director</u>	
Signature and date : Signature et date: <u><i>Catherine Innes</i></u> <u>April 2, 2007</u>	

CONFIRMATION DU DROIT AU STATUT DE PETITE ENTITÉ POUR LES ÉTATS-UNIS

Les taxes gouvernementales à payer lors du dépôt, de la délivrance et pour le maintien après délivrance sont réduites de 50% pour les petites entités. L'économie lors du dépôt et de la délivrance est d'environ 1000\$ US. Pour être éligible à cette réduction de la taxe, des droits d'utilisation de l'invention ne doivent pas être sous licence, cédés ou autrement attribués, par vous ou par tout autre co-propriétaire ou licencié, à une « grande » entité ayant plus de 500 employés (à l'exception des organismes à but non lucratif tel que défini plus bas). Une obligation de céder tout droit, même un « droit de premier refus », à une grande entité peut vous disqualifier en tant que petite entité. Pour calculer la grosseur d'une grande entité, on inclut les filiales, tel que défini dans les règles du « Small Business Administration » (13 Code of Federal Regulations (CFR) Part 121).

Si vous êtes incertain de vous qualifier comme petite entité, il est préférable de déclarer un statut de grande entité, puisqu'une fausse déclaration pourrait invalider le brevet américain. La définition d'une petite entité est la suivante et peut être retrouvée dans les règles américaines sur les brevets. (37 CFR§1.9)

13CFR§121.802

A concern eligible for reduced patent fees is one: (a) Whose number of employees, including affiliates, does not exceed 500 persons; and (b) Which has not assigned, granted, conveyed, or licensed (and is under no obligation to do so) any rights in the invention to any person who made it and could not be classified as an independent inventor, or to any concern which would not qualify as a non-profit organization or a small business concern under this section.

13CFR§121.1001(b)(5)

For eligibility to pay reduced patent fees, the following entities may request a formal size determination:

- (i) The applicant for the reduced patent fees; and
- (ii) The Patent and Trademark Office,

J'ai lu la présente et crois que, en relation avec l'invention dont le numéro de dossier Ogilvy Renault est indiqué plus bas, les propriétaires se qualifient pour payer la taxe réduite en tant que petite entité. J'autorise Ogilvy Renault à payer la taxe réduite pour une petite entité et nous informerons Ogilvy Renault de tout changement au niveau de ce statut.